

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**EDNIRA MONTOYA, JOSE FLORES, and  
ALEJANDRO MONTES**, individuals,

Plaintiffs,

v.

**ROSE CITY TAQUERIA LLC**, a domestic  
limited liability company, **PNW EATS, LLC**,  
a domestic limited liability company, and  
**VERENICE MENDOZA**, an individual,

Defendants.

Case No. 3:21-cv-1889-YY

**ORDER**

**Michael H. Simon, District Judge.**

United States Magistrate Judge Youlee Yim You issued Findings and Recommendation in this case on November 28, 2022. Judge You recommended that this Court grant Plaintiffs’ Motion for Default Judgment (ECF 17) as supplemented (ECF 25) and Motion for Attorney Fees (ECF 22). No party has filed objections.

Under the Federal Magistrates Act (Act), the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.

§ 636(b)(1). If a party objects to a magistrate judge’s findings and recommendations, “the court

shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Judge You’s Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court ADOPTS Judge You’s Findings and Recommendation, ECF 32. The Court GRANTS Plaintiffs’ Motion for Default Judgment, ECF 17, as supplemented, ECF 25, and Plaintiffs’ Motion for Attorney Fees, ECF 22.

**IT IS SO ORDERED.**

DATED this 13th day of January, 2023.

/s/ Michael H. Simon  
Michael H. Simon  
United States District Judge